Remarks

The Office Action mailed dated December 8, 2006 has been carefully reviewed and the following remarks have been submitted in consequence thereof.

Preliminarily, Applicants respectfully note that the present Office Action is the eighth issued in the case, and no less than 26 different references have been cited in twelve different combinations over the eight Office Actions in support of the rejection of the presently rejected claims. While Applicants appreciate a thorough examination of the case, the prosecution history of the present case evidences repeated rejections based on multiple references in different combinations that are generating an unreasonable burden and expense on the Applicants to obtain the patent protection for which they are believed to be entitled. As noted in the MPEP, it is in the interests of the Applicants and the public that a case be confined to as few actions as is consistent with a thorough examination of its merits. MPEP § 706.07(a). As the present rejections are again believed to be unsustainable, and further because the present application has been pending for seven years, Applicants request thorough consideration of the following remarks and expedient disposition of this case either to allowance or appeal.

Applicants respectfully submit that the Section 103 rejection of the pending claims is improper because adequate motivation to combine the applied references has not been established.

Regarding motivation to combine references, MPEP § 2143.01 explains that "[t]here are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a prima facie case of obvious was held improper.). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

Claims 1-4, 6, 7, 12-15, 21, 22, 33-36, 39-42, 47-49, and 64-67 are rejected under Section 103 based on a combination of nine references alone. In In Re Gorman, the court stated that

"[r]eliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention." In re Gorman, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991) However, the court also stated:

> It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the appellants' structure as a template and selecting elements from references to fill the gaps. The references themselves must provide some teaching whereby the appellants' combination would have been obvious. In re Gorman, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (citations omitted).

There has not been a showing in the eight Office Actions that the teaching of combining all the cited references used to reconstruct the Applicants' invention has been found in the cited references themselves and not from the claimed invention. Additionally, to find obviousness:

> there must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself. In re Oetiker, 977 F.2d 1443, 1447 (Fed. Cir. 1992).

In addition to failing to show a motivation to combine the cited references, the Office Action has not combined references that include all the limitations of the present claims.

For example, Claim 1 recites "assigning a policy value to at least one good stored in the database." However, the Office Action asserts that a patent to Thompson et al., U.S. Patent No. 6,810,401 describes the recited element at Column 18, lines 40-60. However, this passage describes a Pricing Engine module that could be added to the configuration system described in Thompson et al. to generate pricing and cost information for individual products, components, projects...and also to provide total (or sub-total) pricing data for the configured product or project. Applicants respectfully submit that totaling the costs of many individual components that make up a complete unit can not fairly be equated with "assigning a policy value to at least one good," as is claimed. As described in the present patent application, assigning a policy value to a good requires a completely different set of considerations to ascertain than merely adding costs of individual components. Accordingly, Applicants respectfully submit that Thompson et

al. does not describe nor suggest "assigning a policy value to at least one good stored in the database."

As the Federal Circuit has recognized: To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03.

Thompson et al. is the primary reference cited in all twelve of the present Section 103 rejections given in the present Office Action. Thompson et al. is relied upon to disclose "assigning a policy value to at least one good stored in the database." However, as described above, Thompson et al. does not describe nor suggest "assigning a policy value to at least one good stored in the database."

Applicants respectfully submit that a prima facie case for obviousness has not been established and cannot be supported by the teachings of Thompson et al. in combination with any of the other cited references. As explained below, the cited references in combination with Thompson et al. simply do not disclose all the limitations of the claimed methods and systems. Accordingly, for at least the reasons stated above, Applicants respectfully request that the Section 103 rejection of 1-8, 10-43, and 45-67 be withdrawn.

Moreover, Applicants traverse the assertion in the "Response to Arguments" section of the Office Action that because none of the references in the previous Office Action describe or suggest the claimed limitation that merely applying another reference "that highlights manual data where the data is not already in the database and does need to be placed into the database by a human being" is a proper application of the requirements of Section 103. This is a clear example of hindsight reconstruction of the claimed invention, using the appellants' structure as a

template and selecting elements from references to fill the gaps. Such hindsight reconstruction is impermissible. In re Gorman, supra. Accordingly, for at least this additional reason, Applicants respectfully request that the Section 103 rejection of 1-8, 10-43, and 45-67 be withdrawn.

Furthermore, Applicants traverse the assertion in the Office Action that Squyres, Huang, and Scheid are analogous art to the presently pending application because they allegedly "solve the same type of problem and address the same type of issues." Office Action dated December 8, 2006, page 3, lines 2-3.

Squyres generally describes an analytical process designed to give investment professionals a Graham and Dodd perspective of the business performance of a company relative to its competitors. Applicants respectfully submit that deriving a stock price of a company based on an analysis of its business performance would not logically commend itself to an inventor's attention in considering providing a value of a good to a requester wherein the goods are non-stationary assets including at least one of equipment, a product, a truck, an automobile and a vehicle.

Huang describes using trends to monitor demand of a product as part of a decision support system for managing a supply chain. Huang uses point of sale data when available and other demand data to trend quantities of items as they are sold thereby creating a demand in the supply chain. Huang does not address issues related to a method for providing a value of a good to a requester wherein the goods are non-stationary assets including at least one of equipment, a product, a truck, an automobile and a vehicle. Rather, Huang describes using trends to monitor sales of items to forecast future quantities of goods to be shipped. Applicants respectfully submit that using trends to monitor sales of items in a decision support system to forecast future quantities of goods to be shipped can not fairly be equated with analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests.

Schneid describes a system that controls telephone line communications using Dynamic Call Streaming, which automatically controls the on-line status of a remote attendant in response to incoming call traffic. When an incoming call routed to a part-time service attendant's home

phone is received the system prompts the service attendant to enter a security clearance signal. Scheid does not describe nor suggest a method for providing a value of a good to a requester that includes prompting the analyst to enter using the remote computer at least one new policy value and corresponding data for a good based on the exception request analysis, the prompting is performed by transmitting a message from the local computer to the remote computer after performing an exception request analysis. Applicants respectfully submit that one skilled in the art of providing values of goods to a requester would not look to telephone line communication control art for guidance.

Moreover, prompting a part-time service attendant to enter a security clearance code into their telephone keypad can not fairly be equated with prompting an analyst to enter a new policy value and corresponding data for a good based on an exception request analysis. Specifically, a security clearance code can not be equated with a new policy value and corresponding data for a good, entering the security clearance code after a prompt from an incoming telephone call can not be fairly equated with entering the new policy value and corresponding data based on an exception request analysis. Schneid does not address issues related to a method for providing a value of a good to a requester wherein the goods are non-stationary assets including at least one of equipment, a product, a truck, an automobile and a vehicle.

Accordingly, because none of Squyres, Huang, and Schneid deal with a matter, which logically would have commended itself to an inventor's attention when considering providing a value of a good to a requester wherein the goods are non-stationary assets, Applicants respectfully submit that Squyres, Huang, and Schneid are non-analogous art with respect to the present invention. *See* Wang Laboratories Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993).

Applicants respectfully submit that a prima facie case of obviousness has not been established for reasons described above and further for reasons described below. Particularly, the extreme number of references cited and the multitude of combinations of those references points to impermissible hindsight reconstruction in deprecating the claimed invention. The admission in the Office Action that the examiner added a prior art reference that merely shows manually entering data into a database to overcome Applicants' argument also suggests hindsight

reconstruction of multiple references to duplicate the Applicants' invention. The use of clearly non-analogous art to attempt to reconstruct the claimed invention also demonstrates the use of hindsight reconstruction to reject the present claims over the cited art. For at least these reasons, Applicants respectfully request the Section 103 rejection of 1-8, 10-43, and 45-67 be withdrawn.

Claims 1-8, 10-43, and 45-67 are pending in this application. Claims 1-8, 10-43, and 45-67 stand rejected.

The rejection of Claims 1-4, 6-7, 12-15, 21, 22, 33-36, 39-42, 47-49, and 64-67 under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. (U.S. Patent No. 6,810,401) ("Thompson"), James G. Squyres, *A Quick Peak According to Graham and Dodd*, Journal of Financial Statement Analysis, Fall 1998 ("Squyres"), Huang et al. (U.S. Patent No. 6,151,582) ("Huang"), PR Newswire, *Kelley Blue Book Teams with AutoNation To Introduce Online 'Virtual Walkaround'*, April 24, 2000 ("Kelley"), Schneid et al. (U.S. Patent No. 5,067,149) ("Schneid"), Eder (U.S. Patent No. 6,321,205) ("Eder"), Smith et al. (U.S. Patent No. 5,835,375) ("Smith"), Arnold et al. (U.S. Patent No. 6,016,504) ("Arnold"), and Scott (U.S. Patent No. 4,625,080) is respectfully traversed. It is noted that U.S. Patent No. 5,835,375 is to John Kitamura not Smith et al. The PTO-892 acknowledges that U.S. Patent No. 5,835,375 is to John Kitamura, but the body of the Office Action refers to this reference as Smith et al. However, in the body of the Office Action on page 10, reference is made to a Column 20 in the Smith reference. U.S. Patent No. 5,835,375 to John Kitamura does not have twenty columns, so it is unclear which patent is being referred to as the Smith patent. Regardless, based on the use of the Smith patent in the Office Action, the Smith patent does not cure the deficiencies in the other prior art in showing all the limitations of the claimed invention.

Applicants respectfully submit that no combination of the cited references describe or suggest the claimed invention. As discussed below, at least one of the differences between the cited references and the present invention is that none of the cited references describe or suggest a method for providing a value of a good to a requester using a local computer coupled to a database and in communication with a remote computer, wherein the remote computer is controlled by an analyst, and wherein the method includes designating the request for the value of the good as an exception request if the local computer is unable to value the good based on the

data stored within the database and the entered data, wherein a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good.

As explained below and in contrast to what is asserted in the Office Action, Claim 1 recites "assigning a policy value to at least one good stored in the database." However, the Office Action asserts that a patent to Thompson et al., U.S. Patent No. 6,810,401 describes the recited element at Column 18, lines 40-60. However, this passage describes a Pricing Engine module that could be added to the configuration system described in Thompson et al. to generate pricing and cost information for individual products, components, projects...and also to provide total (or sub-total) pricing data for the configured product or project. Applicants respectfully submit that totaling the costs of many individual components that make up a complete unit can not fairly be equated with "assigning a policy value to at least one good," as is claimed. Assigning a policy value requires a completely different set of considerations to ascertain than merely adding costs of individual components.

Thompson also does not teach designating a request for the value of a good as an exception request if the local computer is unable to value the good based on the data stored within the database and the entered data, wherein a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good. Rather, Thompson merely describes a system that allows a user to enter custom values for dimensional attributes such as unit dimension width, and unit dimension height. These custom values are then used to configure the product and calculate a cost for the product. Applicants submit that merely describing a system that allows a user to enter custom values for dimensional attributes such that the system can configure and cost the product does not teach designating a request for the value of a good as an exception request if the local computer is unable to value the good based on the data stored within the database and the entered data, wherein a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good. In fact, Thompson teaches

away from this recitation because Thompson describes a system that calculates a cost for a product based on data stored within the system and data entered (including custom data) by the user.

Also, Eder does not teach designating a request for the value of a good as an exception request if the local computer is unable to value the good based on the data stored within the database and the entered data, wherein a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good. Rather, Eder describes a data processing system for valuating contributions by one or more tangible or intangible elements of value to a value of a business enterprise. Eder teaches that business valuation was usually completed by an appraiser or CPA, but that his method uses an automated data processing system to perform these business valuations. Eder teaches away from the above recitation because Eder describes an automated system that does not utilize analyst input for valuating an asset.

Moreover, Applicants submit that none of the cited references describe or suggest a method that includes displaying a web page indicating that the request has been designated by the local computer as an exception request and prompting the requester to provide additional information relating to the good, and prompting the requester to transmit the entered data and the additional information to the remote computer controlled by the analyst.

As explained below and in contrast to what is asserted in the Office Action, Kelley does not teach displaying a web page indicating that the request has been designated as an exception request wherein an exception request is a request where the local computer is unable to value the good based on the data stored within the database and the entered data. Rather, Kelley describes prompting a user with 27 multiple choice questions about their particular vehicle's interior and exterior features in order to better estimate the value of the vehicle. In other words, Kelley describes a system that provides a value of a vehicle based on the information entered into the system and does not describe or suggest an exception request as recited in the present claims.

Similarly, Schneid does not teach prompting the requester to transmit the entered data and the additional information to the remote computer controlled by the analyst. Rather, Schneid describes a system that controls telephone line communications by prompting a part-time call center service attendant to enter a security clearance code into their telephone when an incoming call from the system arrives. Applicants submit that merely showing entering a security clearance code into a telephone does not describe or teach prompting a requester to transmit the entered data, which includes a request for a value of a good and data relating to the good, and the additional information relating to the good to the remote computer controlled by the analyst.

Furthermore, none of the cited references describe or suggest a method that includes analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests, and prompting the analyst to enter using the remote computer at least one new policy value and corresponding data for a good based on the exception request analysis wherein the prompting is performed by transmitting a message from the local computer to the remote computer after performing an exception request analysis.

As explained below, although Huang mentions analyzing trends in quantity and percentage to characterize the demand for products within a supply chain, Huang does not describe or suggest analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests, prompting the analyst to enter at least one new policy value and corresponding data for a good based on the exception request analysis. Applicants submit that merely analyzing trends in quantity and percentage to characterize demand for products within a supply chain does not describe or teach analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests.

Applicants also submit that Squyres, Huang and Schneid are non-analogous art that are not relevant to the present patent application. More specifically, Squyres generally describes an analytical process designed to give investment professionals a Graham and Dodd perspective of the business performance of a company relative to its competitors. Squyres does not address issues related to a method for providing a value of a good to a requester wherein the goods are non-stationary assets including at least one of equipment, a product, a truck, an automobile and a

vehicle. Applicants submit that analyzing the business performance of a company is significantly different than calculating the value of a good such as a piece of equipment, a product, a truck, an automobile or a vehicle.

Huang describes a decision support system for managing a supply chain. Huang does not address issues related to a method for providing a value of a good to a requester wherein the goods are non-stationary assets including at least one of equipment, a product, a truck, an automobile and a vehicle.

Schneid describes a system that controls telephone line communications using Dynamic Call Streaming, which automatically controls the on-line status of a remote attendant in response to incoming call traffic. Schneid does not address issues related to a method for providing a value of a good to a requester wherein the goods are non-stationary assets including at least one of equipment, a product, a truck, an automobile and a vehicle.

Given the obvious differences between (i) a process for analyzing the business performance of a company, (ii) a system for managing a supply chain, (iii) a system that controls telephone line communications using Dynamic Call Streaming, and (iv) a method for providing a value of a good to a requester wherein the goods are non-stationary assets include at least one of equipment, a product, a truck, an automobile and a vehicle, and the fact that the processes and systems described by Squyres, Huang and Schneid neither recognizes nor solves any of the problems addressed by the present invention, it is respectfully submitted that Squyres, Huang and Schneid are non-analogous art that would not be looked to for potential solutions in providing a value of a good to a requester wherein the goods are non-stationary assets including at least one of equipment, a product, a truck, an automobile and a vehicle. Accordingly, it would not be obvious to one skilled in the art combine Squyres, Huang and Schneid with the other cited art.

For at least the reasons set forth above, Applicants respectfully submit that the present claims are patentable over Thompson, Squyres, Huang, Kelley, Schneid, and Eder, alone or in combination.

Thompson describes an automated configuration system for facilitating the configuration of desired products, services, or other assemblages that require users to gather and assimilate disparate knowledge of makes, models, types, features, codes, and prices of the desired product/service to be configured. The configuration is facilitated through interaction of a user with a frame engine that performs frame-based inferences to discern stored knowledge of a product (or the like), as supplemented by a rules-based inference system.

For example, a user of the Thompson system starts at the beginning of a question list, the first of which may present the user with a certain product type, such as a window or a door. As questions are answered by the user, other questions that no longer apply are automatically removed from the list. In some cases, answering questions will actually add new questions to the list or will automatically answer other questions. The questions relate to a typical product configuration. If the user selects "window," the configuration system directs questions to develop answers pertinent to window configurations only. Once the user has answered all of the questions, the system is able to configure the product and calculate a cost for the configured product.

Squyres is an article that generally describes "an analytical process designed to give investment professionals a Graham and Dodd perspective of the business performance of a company relative to its competitors – quickly and graphically." The articles further provides that the "Graham and Dodd's *Security Analysis* (1988) has so established the guidelines for investment analysis that no other effort to codify the process has replaced it."

Huang describes a decision support system for managing an agile supply chain including a server side and a client side. The server side includes a decision support system database that interfaces with a model engine that performs analysis of the data to support planning decisions. The server side also includes a server manager that coordinates requests for service and information. The client side includes decision frames that present the various view points available in the system to the users. A frame manager coordinates the requests from the decision support frames to access the needed data and models.

Kelley describes a system referred to as a "Virtual Walkaround", which is a self-appraisal questionnaire that consumers use online to determine the condition and value of their cars. Instead of guessing whether their vehicles are in "excellent" versus "good" or "fair" condition, consumers can use the Virtual Walkaround to click their way through 27 multiple choice questions about their particular vehicle's interior and exterior features – tires, paint, upholstery. Then a value of the vehicle is provided.

Schneid describes a technique in the automatic control of the size of a network of remote attendants in accordance with varying incoming call traffic patterns. The remote attendants are on the public switched telephone network. The system routes incoming calls via outgoing lines to the attendants. The remote attendants can receive a "stream" of incoming calls within one outgoing call to an attendant. The remote attendants are kept on-line, that is, "off-hook" as long as the amount of waiting time between incoming calls does not exceed a maximum waiting interval set by the supervisor. When the attendant has to wait for the next incoming call for longer than a maximum waiting interval set by a supervisor, then the attendant can be automatically disconnected from the system. As call traffic increases, the system can automatically redial the remote attendant to be re-networked so as to receive another "stream" of incoming calls. This technique for automatically controlling the on-line status of the remote attendant in response to incoming call traffic is called "Dynamic Call Streaming". Dynamic Call Streaming reduces toll charges by adding or dropping the remote attendant on or off the network as needed while maintaining a high level of service.

Eder describes a data processing system for valuating contributions by one or more tangible or intangible elements of value to a value of a business enterprise. Eder teaches that business valuation was usually completed by an appraiser or CPA, but that his method uses an automated data processing system to perform these business valuations. Particularly, Eder teaches that "[i]t is a general object of the present invention to provide a novel and useful system that calculates and displays a forecast of the impact of user-specified or system generated changes in business value drivers on the other value drivers, the elements, the financial performance and the long term value of a commercial enterprise that utilizes the information from a detailed valuation of the enterprise to overcome the limitations and drawbacks of the prior art that were described previously" (see Col. 5, lines 1-11).

Smith et al. is unknown. Applicants note that U.S. Patent No. 5,835,375 is to John Kitamura not Smith et al. The PTO-892 acknowledges that U.S. Patent No. 5,835,375 is to John Kitamura, but the body of the Office Action refers to this reference as Smith et al. However, in the body of the Office Action on page 10, reference is made to a Column 20 in the Smith reference. U.S. Patent No. 5,835,375 to John Kitamura does not have twenty columns, so it is unclear which patent is being referred to as the Smith patent. Regardless, based on the use of the Smith patent in the Office Action, the Smith patent does not cure the deficiencies in the other prior art in showing all the limitations of the claimed invention.

Arnold describes an online retail web site that includes a virtual outlet webpage managed by one entity and another web page managed by a merchant. The virtual outlet website and the merchant's web site cooperate such that to the customer, the ordering process appears to be conducted entirely within the virtual outlet website. Arnold describes detecting errors in entered ordering data and displaying an error web page that allows the customer to re-enter data or exit the process.

Scott describes an apparatus for remote programming of an electronic device such as a video cassette recorder. The apparatus described in Scott merely receives programming inputs at a remote handheld unit, the unit converts the inputs into audible tones which are then transmitted over a standard telephone line to a receiver unit. The receiver unit decodes the audible tones into recording commands that programs the VCR to record television programs in accordance with the programming inputs.

Arnold and Scott are both non-analogous to the art of the present claims and are unavailable as prior art for section rejections in the present case. Specifically,

Specifically, Arnold describes an online retail web site that includes a virtual outlet webpage managed by one entity and another web page managed by a merchant. The virtual outlet website and the merchant's web site cooperate such that to the customer, the ordering process appears to be conducted entirely within the virtual outlet website. Arnold describes detecting errors in entered ordering data and displaying an error web page that allows the customer to re-enter data or exit the process.

Although Scott is cited in the Office Action as disclosing "a monitoring process that proceeds to write an exception record when something is not right or missing," a thorough reading of Scott could not locate an analogous passage. Scott does not describe or suggest a monitoring process that proceeds to write an exception record when something is not right or missing as asserted in the Office Action. Moreover, Scott does not describe or suggest prompting the analyst to enter using the remote computer at least one new policy value and corresponding data for a good based on the exception request analysis. Rather, Scott describes entering VCR programming commands into a remote handheld device. Scott does not describe or suggest prompting performed by transmitting a message from the local computer to the remote computer after performing an exception request analysis. Rather, Scott merely describes that the handheld transmitter transmits audible signals to the receiver via a telephone line, but the receiver does not transmit any signals back to the transmitter. Applicants respectfully submit that one skilled in the art of providing values of goods to a requester would not look to online retailing website art or remote VCR programming art for guidance.

Claim 1 recites a method for providing a value of a good to a requester using a local computer coupled to a database and in communication with a remote computer, the remote computer controlled by an analyst, the method includes "storing in the database data relating to a plurality of goods including a description of each good, wherein each good includes a non-stationary asset including at least one of equipment, a product, a truck, an automobile and a vehicle...assigning a policy value to at least one good stored in the database...entering data into the local computer including a request for a value of a good and data relating to the good, the local computer configured as a calculator for calculating a value of the good...using the local computer to determine whether the value of the good can be calculated based on the entered data including determining whether the good has a policy value assigned thereto...designating the request for the value of the good as an exception request if the local computer is unable to value the good based on the data stored within the database and the entered data, a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good...displaying a web page indicating that the request has been designated by the local computer as an exception request and prompting the requester to

provide additional information relating to the good...prompting the requester to transmit the entered data and the additional information to the remote computer controlled by the analyst...researching by the analyst the value of the good including analyzing data external to the database based on the entered data and the additional information...calculating the value of the good based on the research performed by the analyst...analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests, the exception request analysis performed by the local computer...prompting the analyst to enter using the remote computer at least one new policy value and corresponding data for a good based on the exception request analysis, the prompting is performed by transmitting a message from the local computer to the remote computer after performing an exception request analysis...and displaying the value of the good on the local computer for the requester."

None of Thompson, Squyres, Huang, Kelley, Schneid, or Eder, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, no combination of Thompson, Squyres, Huang, Kelley, Schneid, and Eder describe or suggest a method for providing a value of a good to a requester using a local computer coupled to a database and in communication with a remote computer wherein the remote computer is controlled by an analyst, and wherein the method includes *designating the request for the value of the good as an exception request if the local computer is unable to value the good based on the data stored within the database and the entered data, wherein a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good.* (Emphasis added.)

Moreover, none of Thompson, Squyres, Huang, Kelley, Schneid, or Eder, considered alone or in combination, describe or suggest a method that includes *displaying a web page indicating that the request has been designated by the local computer as an exception request* and prompting the requester to provide additional information relating to the good, and *prompting the requester to transmit the entered data and the additional information to the remote computer controlled by the analyst.* (Emphasis added.)

Furthermore, none of Thompson, Squyres, Huang, Kelley, Schneid, or Eder, considered alone or in combination, describe or suggest a method that includes *analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests*, and *prompting the analyst to enter using the remote computer at least one new policy value and corresponding data for a good based on the exception request analysis* wherein the prompting is performed by transmitting a message from the local computer to the remote computer after performing an exception request analysis. (Emphasis added.)

In contrast to what is asserted in the Office Action, Thompson does not teach designating a request for the value of a good as an exception request if a local computer is unable to value the good based on the data stored within the database and the entered data, wherein a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good. Rather, Thompson merely describes at Col. 10, lines 39-51 a system that allows a user to enter custom values for dimensional attributes such as unit dimension width, and unit dimension height. These custom values are then used to configure the product and calculate a cost for the product. Applicants submit that merely describing a system that allows a user to enter custom values for dimensional attributes such that the system can configure and cost the product does not teach designating a request for the value of a good as an exception request if a local computer is unable to value the good based on the data stored within the database and the entered data, wherein a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good.

The Office Action also asserts that Kelley describes displaying a web page indicating that the request has been designated as an exception request wherein an exception request is a request where the local computer is unable to value the good based on the data stored within the database and the entered data. Applicants traverse this assertion. Kelley describes prompting a user with 27 multiple choice questions about their particular vehicle's interior and exterior features in order to better estimate the value of the vehicle. In other words, Kelley describes a system that

provides a value of a vehicle based on the information entered into the system and does not describe or suggest an exception request as recited in the present claims.

Similarly, Schneid does not teach prompting the requester to transmit the entered data and the additional information to the remote computer controlled by the analyst. Rather, Schneid describes a system that controls telephone line communications using Dynamic Call Streaming, which automatically controls the on-line status of a remote attendant in response to incoming call traffic. Applicants submit that merely showing data being transmitted from one computer to another does not describe or teach prompting a requester to transmit the entered data and the additional information to the remote computer controlled by the analyst.

Also, in contrast to the assertion in the Office Action that Eder discloses an appraiser and a CPA value a good when the computer can not, Eder teaches that while an appraisers and a CPA were used to do a business valuation (see Col. 3, lines 17-20), his method uses an automated data processing system to perform these business valuations. Eder does not describe nor suggest designating a request for the value of a good as an exception request if a local computer is unable to value the good based on the data stored within the database and the entered data, wherein a request for the value of a good is designated as an exception request if the local computer determines that the corresponding good does not have a policy value assigned to the good and that input from the analyst is required for valuing the good. Eder's automated data processing system is meant to replace the functions of an appraiser or a CPA.

Based on the information provided in the Office Action, the Smith reference is unknown. However, because the other prior art references are deficient with respect to a proper Section 103 rejection and the Office Action does not indicate that the Smith reference is cited to cure those deficiencies, Smith does not help to make the present Section 103 reference a proper rejection. Arnold and Scott are both non-analogous to the art of the present claims and are unavailable as prior art for section rejections in the present case. Specifically, Arnold describes an online retail web site that includes a virtual outlet webpage managed by one entity and another web page managed by a merchant. The virtual outlet website and the merchant's web site cooperate such that to the customer, the ordering process appears to be conducted entirely within the virtual

outlet website. Arnold describes detecting errors in entered ordering data and displaying an error web page that allows the customer to re-enter data or exit the process.

Scott describes an apparatus for remote programming of an electronic device such as a video cassette recorder. The apparatus described in Scott merely receives programming inputs at a remote handheld unit, the unit converts the inputs into audible tones which are then transmitted over a standard telephone line to a receiver unit. The receiver unit decodes the audible tones into recording commands that programs the VCR to record television programs in accordance with the programming inputs. Although Scott is cited in the Office Action as disclosing "a monitoring process that proceeds to write an exception record when something is not right or missing," a thorough reading of Scott could not locate an analogous passage. Scott does not describe or suggest a monitoring process that proceeds to write an exception record when something is not right or missing as asserted in the Office Action. Moreover, Scott does not describe or suggest prompting the analyst to enter using the remote computer at least one new policy value and corresponding data for a good based on the exception request analysis. Rather, Scott describes entering VCR programming commands into a remote handheld device. Scott does not describe or suggest prompting performed by transmitting a message from the local computer to the remote computer after performing an exception request analysis. Rather, Scott merely describes that the handheld transmitter transmits audible signals to the receiver via a telephone line, but the receiver does not transmit any signals back to the transmitter. Applicants respectfully submit that one skilled in the art of providing values of goods to a requester would not look to remote VCR programming art for guidance.

Furthermore, none of the cited references describe or suggest a method that includes analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests, and prompting the analyst to enter using the remote computer at least one new policy value and corresponding data for a good based on the exception request analysis wherein the prompting is performed by transmitting a message from the local computer to the remote computer after performing an exception request analysis.

Although Huang mentions at Col. 40, lines 38-55 analyzing trends in quantity and percentage to characterize the demand for products, Huang does not describe or suggest

analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests, and prompting an analyst to enter at least one new policy value and corresponding data for a good based on the exception request analysis. More specifically, Huang describes a supply chain management system that analyzes industry survey data to characterize the demand for products including an analysis of the trends in quantity and percentage of each product family over a given period of time of the time series (Col. 40, lines 38-48). Huang does not describe or suggest analyzing trends among a plurality of similar exception requests, and prompting an analyst to enter at least one new policy value and corresponding data for a good based on the exception request analysis as recited in Claim 1. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres, Huang, Kelley and Schneid, alone or in combination.

For at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott, alone or in combination.

Claims 2-4, 6-7, 12-15, 21-22 and 33 depend, directly or indirectly, from independent Claim 1 which is submitted to be in condition for allowance. When the recitations of Claims 2-4, 6-7, 12-15, 21-22 and 33 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-4, 6-7, 12-15, 21-22 and 33 are also patentable over Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott, alone or in combination.

Claim 34 recites a system for providing a value of a good to a requester, the system includes a first computer associated with a requester, a second computer associated with an analyst, a database for storing data relating to a plurality of goods including a description of each good and whether a policy value has been assigned to the good wherein each good includes a non-stationary asset including at least one of equipment, a product, a truck, an automobile and a vehicle, and a server coupled to the database and configured to read input data including a request for a value of the good and data relating to the good, the server further configured to "determine whether the value of the good can be calculated based on the inputted data including determining whether the good has a policy value assigned thereto...designate the request for the

value of the good as an exception request if the server is unable to value the good based on the data stored within the database and the inputted data, a request for the value of a good is designated as an exception request if the server determines that the good does not have a policy value assigned thereto and that input from the analyst is required for valuing the good...transmit data to be displayed as a first web page on said first computer indicating that the request has been designated as an exception request and prompting the requester to provide additional information relating to the good...prompting the requester to transmit the inputted data and the additional information from the first computer...automatically transmitting data to be displayed as a second web page on said second computer notifying the analyst that the request has been designated as an exception request and prompting the analyst to research the value of the good using the inputted data, the additional information and data external to the database...calculate the value of the good based on the research performed by the analyst...analyze trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests...prompting the analyst to enter at least one new policy value and corresponding data for a good based on the exception request analysis, the new policy value is transmitted from the second computer...a network connecting said server to said first computer and said second computer...and a user interface in communication with the first computer for allowing the requester to input data relating to a request for the value of the good and data relating to the good and for receiving the value of the good output."

Claim 34 recites a system for providing a value of a good to a requester comprising, among other things, a first computer associated with a requester, a second computer associated with an analyst, and a server configured to perform steps essentially similar to that of Claim 1. Thus, it is submitted that Claim 34 is patentable over the combination of Thompson, Squyres, Huang, Kelley, Schneid, and Eder, alone or in combination, for reasons that correspond to those given with respect to Claim 1.

For at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley, Schneid, and Eder, alone or in combination.

Claims 35-36, 39-42, 47-49, and 64-65 depend, directly or indirectly, from independent Claim 34 which is submitted to be in condition for allowance. When the recitations of Claims

35-36, 39-42, 47-49, and 64-65 are considered in combination with the recitations of Claim 34, Applicants submit that dependent Claims 35-36, 39-42, 47-49, and 64-65 are also patentable over Thompson, Squyres, Huang, Kelley, Schneid, and Eder, alone or in combination.

Claim 66 recites a method for providing a value of a good to a requester using a local computer coupled to a database and in communication with a remote computer, the remote computer controlled by an analyst, the method includes "storing in the database data relating to a plurality of goods including a description of each good including at least one of a type, a manufacturer, a model, a quantity, and options, wherein each good includes a non-stationary asset including at least one of equipment, a product, a truck, an automobile and a vehicle...assigning a policy value to at least one good stored in the database...entering data into the local computer including a request for a value of a good and data relating to the good, the local computer configured as a calculator...using the local computer to determine whether the value of the good can be calculated based on the entered data including determining whether the good has a policy value assigned thereto...calculating the value of the good if the value can be calculated based on the entered data...designating the request for the value of the good as an exception request if the local computer is unable to value the good based on the data stored within the database and the entered data, a request for the value of a good is designated as an exception request if the local computer determines that the good does not have a policy value assigned thereto and that input from the analyst is required for valuing the good...displaying a web page on the local computer indicating that the request has been designated as an exception request and prompting the requester to provide additional information relating to the good...prompting the requester to transmit from the local computer the entered data and the additional information to the remote computer controlled by the analyst...researching by the analyst the value of the good including analyzing data external to the database based on the entered data and the additional information...calculating the value of the good based on the research performed by the analyst...analyzing trends among a plurality of similar exception requests including the calculated values of the goods associated with the similar exception requests, the exception request analysis performed by the local computer...and prompting the analyst to enter using the remote computer at least one new policy value and corresponding data for a good based on the exception request analysis, the prompting is performed by transmitting a

message from the local computer to the remote computer after performing an exception request analysis."

Claim 66 recites a method for providing a value of a good to a requester using a local computer coupled to a database and in communication with a remote computer controlled by an analyst. The method includes steps similar to those recited in Claim 1. Thus, it is submitted that Claim 66 is patentable over the combination of Thompson, Squyres, Huang, Kelley, Schneid, and Eder for reasons that correspond to those given with respect to Claim 1.

For at least the reasons set forth above, Applicants respectfully submit that Claim 66 is patentable over Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott, alone or in combination.

Claim 67 recites a method for providing a value of a good to a requester using a local computer coupled to a database and in communication with a remote computer, the remote computer controlled by an analyst, the method includes "uploading to the local computer data relating to a request for a value of a good and data relating to the good, the local computer configured as a calculator for calculating a value of the good, data relating to a good including at least one of a type, a manufacturer, a model, a quantity, and options, wherein each good includes a non-stationary asset including at least one of equipment, a product, a truck, an automobile and a vehicle...recognizing the request for the value of the good as an exception request if the local computer is unable to value the good based on the data stored within the database and the uploaded data, a request for the value of a good is designated as an exception request if the local computer determines that input from the analyst is required for valuing the good...prompting the requester to provide additional information relating to the good for an exception request...prompting the requester to transmit from the local computer the entered data and the additional information to the remote computer controlled by the analyst...researching by the analyst the value of the good including analyzing data external to the database based on the uploaded data and the additional information...calculating the value of the good based on the research performed by the analyst...analyzing trends among similar exception requests including the calculated values of the goods associated with the similar exception requests, the exception request analysis performed by the local computer...and inputting using the remote computer a

new policy value and corresponding data for a good based on the exception request analysis to facilitate subsequent valuations of similar goods."

Claim 67 recites a method for providing a value of a good to a requester using a local computer coupled to a database and in communication with a remote computer controlled by an analyst. The method includes steps similar to those recited in Claims 1 and 66. Thus, it is submitted that Claim 67 is patentable over the combination of Thompson, Squyres, Huang, Kelley, Schneid, and Eder for reasons that correspond to those given with respect to Claims 1 and 66.

For at least the reasons set forth above, Applicants respectfully submit that Claim 67 is patentable over Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott, alone or in combination.

Applicants further traverse the rejection of Claims 1-4, 6-7, 12-15, 21-22, 33-36, 39-42, 47-49, and 64-67 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott on the grounds that these Section 103 rejections are improper rejections. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Thompson using the teachings of Squyres, Huang, Kelley, Schneid, and Eder. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, or Scott considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine these references because there is no motivation to combine the references suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte

Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-4, 6-7, 12-15, 21-22, 33-36, 39-42, 47-49, and 64-67 be withdrawn.

The rejection of Claims 5, 16, 26-28, 38, 50-52 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott in view of Whitworth (U.S. Patent No. 6,622,129) is respectfully traversed.

Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott are all described above. Whitworth describes a method of creating an index of residual values for leased assets, transferring residual value risk, and creating lease securitizations. The index of residual values includes valuation information pertaining to different types of vehicles, different

models and submodels of vehicles, different combinations of vehicle options, and different vehicle model years. The residual value index is updated with subsequent valuations of the leased assets and is employed to facilitate the transfer of residual value risk and create lease securitizations via mechanisms such as residual value futures, options, bonds and insurance products.

Claims 5, 16, and 26-28 depend from independent Claim 1. Claim 1 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, Scott or Whitworth, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, as stated above, no combination of Thompson, Squyres, Huang, Kelley , Schneid, Eder, Smith, Arnold, and Scott describe or suggest a method as recited in Claim 1, and Whitworth does not make up for the deficiencies of these references. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Whitworth.

When the recitations of Claims 5, 16 and 26-28 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 5, 16 and 26-28 are also patentable over Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott in view of Whitworth.

Claims 38, 50-52 and 57 depend from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott or Whitworth, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, as stated above, no combination of Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, and Scott describe or suggest a system as recited in Claim 34, and Whitworth does not make up for the deficiencies of these references. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley and Schneid, Eder, Smith, Arnold, and Scott in view of Whitworth.

When the recitations of Claims 38, 50-52 and 57 are considered in combination with the recitations of Claim 34, Applicants submit that Claims 38, 50-52 and 57 are also patentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Whitworth.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 5, 16, 26-28, 38, 50-52 and 57 be withdrawn.

The rejection of Claims 17, 30-32 and 58-60 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid, Smith, Arnold, and Scott in view of Quinn (U.S. Patent No. 6,360,222) is respectfully traversed.

Thompson, Squyres, Huang, Kelley, Schneid, Smith, Arnold, and Scott are all described above. Quinn describes a method of and system for organizing entries of an information directory based on relationships or "connections" between the users, and for adding new directory entries to the information directory without intervention by a system administrator. Each connection between entries is created with a "relationship type" describing the connection. New entries are created by existing users who have existing entries in the information directory. An existing user is allowed to access and modify contents of his own directory entry. The existing user may then submit a new user profile to the information directory system to create a new entry for the new user. When an existing user submits the profile for a new user, the information is stored in a relationship list within the existing user's entry. When the existing user's entry is accessed, the profile of the existing user and his relationship list will be displayed. Users can display connections of a specific relationship type.

Claims 17 and 30-32 depend from independent Claim 1. Claim 1 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley, Schneid, Smith, Arnold, Scott or Quinn, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, Quinn does not describe or suggest a method for providing a value of a good to a requester as recited in amended Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres, Huang, Kelley, Schneid, Smith, Arnold, Scott in view of Quinn.

When the recitations of Claims 17 and 30-32 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 17 and 30-32 are also patentable over Thompson, Squyres, Huang, Kelley, Schneid, Smith, Arnold, Scott in view of Quinn.

Claims 58-60 depend from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley, Schneid, Smith, Arnold, Scott or Quinn, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, Quinn does not describe or suggest a system for providing a value of a good to a requester as recited in Claim 34. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley, Schneid, Smith, Arnold, Scott in view of Quinn.

When the recitations of Claims 58-60 are considered in combination with the recitations of Claim 34, Applicants submit that Claims 58-60 are also patentable over Thompson, Squyres, Huang, Kelley, Schneid, Smith, Arnold, Scott in view of Quinn.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 17, 30-32 and 58-60 be withdrawn.

The rejection of Claims 18 and 61 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Hartnett (U.S. Patent No. 6,064,971) is respectfully traversed.

Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott are all described above. Hartnett describes a method to operate a computerized adaptive knowledge base. The contents and organization of the adaptive knowledge base evolve based on the contributions and evaluations of a user community. Whether a particular set of contents or an alternative organization is preserved for future iterations is a function of user evaluations, taking into account the amounts of information and the relative importance of content (i.e., organization). Items of the adaptive knowledge base which are as yet unevaluated by a particular user are ranked by estimating that user's evaluations, based on other items for which evaluations are available to compare with other users.

Claim 18 depends from independent Claim 1. Claim 1 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, Scott or Hartnett, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, Hartnett does not describe or suggest a method for providing a value of a good to a requester as recited in amended Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Hartnett.

When the recitations of Claim 18 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 18 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Hartnett.

Claim 61 depends from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, Scott or Hartnett, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, Hartnett does not describe or suggest a system for providing a value of a good to a requester as recited in amended Claim 34. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Hartnett.

When the recitations of Claim 61 are considered in combination with the recitations of Claim 34, Applicants submit that Claim 61 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Hartnett.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 18 and 61 be withdrawn.

The rejection of Claims 19-20, 23-25, 54-56 and 62-63 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ma et al. (U.S. Patent No. 6,347,313) ("Ma") is respectfully traversed.

Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott are all described above. Ma describes a method and system for indexing and retrieving database objects, such as images, that includes a database manager which initializes database objects based on vectors for values of quantified features associated with the database objects. Similar database objects are grouped into common clusters that are based on system-perceived relationships among the objects. For each search session, a vector for a search query is calculated and database objects from the closest cluster within a feature space are selected for presentation at a user device. The user indicates which of the selected objects are relevant to the search session and which of the objects are irrelevant. If one of the clusters includes both relevant and irrelevant objects, the cluster is split into two clusters, so that one of the resulting clusters includes the relevant objects and the other cluster includes irrelevant objects. The correlation matrix is updated to indicate that the resulting clusters have a weak correlation. If two of the clusters include database objects which were indicated to be relevant to the search session, the correlation matrix is updated to indicate that the two clusters have a strong correlation. To avoid an excessive proliferation of database clusters, mergers are performed on clusters which are closely located within the feature space and share a strong correlation within the correlation matrix. Following continued use, the groupings of objects into clusters and the cluster-to-cluster correlations will reflect user-perceived relationships.

Claims 19-20 and 23-25 depend from independent Claim 1. Claim 1 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, Scott or Ma, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, Ma does not describe or suggest a method for providing a value of a good to a requester as recited in amended Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ma.

When the recitations of Claims 19-20 and 23-25 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 19-20 and 23-25 are also

patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ma.

Claims 54-56 and 62-63 depend from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley, Schneid, Eder, Smith, Arnold, Scott or Ma, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, Ma does not describe or suggest a system for providing a value of a good to a requester as recited in amended Claim 34. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ma.

When the recitations of Claims 54-56 and 62-63 are considered in combination with the recitations of Claim 34, Applicants submit that Claims 54-56 and 62-63 are also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ma.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 19-20, 23-25, 54-56 and 62-63 be withdrawn.

The rejection of Claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Gell (U.S. Patent No. 6,577,858) is respectfully traversed.

Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott are all described above. Gell describes a communication system that includes a communication utilizing apparatus connectable to a communications network and service provision apparatus for making services available to the communications utilizing apparatus. An accounting device is associated with the communications utilizing apparatus and includes a digital data storage device, a signalling circuit, and a comparison device. The digital data storage device is arranged to store details of the receipt of services by the communications utilizing apparatus. The signalling circuit is arranged to receive, via the communications network, signals indicating a

payment due in respect of services provided by the service provision apparatus. The comparison device is arranged to compare the received indications with data derived from the stored details.

Claim 37 depends from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott or Gell, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, Gell does not describe or suggest a system for providing a value of a good to a requester as recited in amended Claim 34. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Gell.

When the recitations of Claim 37 are considered in combination with the recitations of Claim 34, Applicants submit that Claim 37 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Gell.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 37 be withdrawn.

The rejection of Claims 8 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Burke et al. (U.S. Patent No. 6,789,252) ("Burke") is respectfully traversed.

Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott are all described above. Burke describes a method and system for providing an open and extensible object definition framework that manages business object definitions as specifications. This framework may be used to dynamically define any object that is to be processed by a computer. Objects can include Properties, Classifications, Knowledge, Business Objects, and Business Rules to name a few. Some examples of typical Business Objects include: business and social entities; locations, including spaces, places and channels; activities, including events and processes; items, including products and services; and business records, including orders and other forms of demand, inventory, jobs, deliverables, statements, transaction history et. al. The method and system may be used to define any object that is to be processed by a computer.

Claim 8 depends from independent Claim 1. Claim 1 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott or Burke, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, Burke does not describe or suggest a method for providing a value of a good to a requester as recited in amended Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Burke.

When the recitations of Claim 8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 8 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Burke.

Claim 43 depends from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott or Burke, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, Burke does not describe or suggest a system for providing a value of a good to a requester as recited in amended Claim 34. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Burke.

When the recitations of Claim 43 are considered in combination with the recitations of Claim 34, Applicants submit that Claim 43 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Burke.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 8 and 43 be withdrawn.

The rejection of Claims 10 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Colley et al. (U.S. Patent No. 4,325,120) ("Colley") is respectfully traversed.

Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott are all described above. Colley describes a data processor architecture wherein the processors recognize two basic types of objects, an object being a representation of related information maintained in a contiguously-addressed set of memory locations. The first type of object contains ordinary data, such as characters, integers, reals, etc. The second type of object contains a list of access descriptors. Each access descriptor provides information for locating and defining the extent of access to an object associated with that access descriptor. The processors recognize complex objects that are combinations of objects of the basic types. One such complex object (a context) defines an environment for execution of objects accessible to a given instance of a procedural operation. The dispatching of tasks to the processors is accomplished by hardware-controlled queuing mechanisms (dispatching-port objects) which allow multiple sets of processors to serve multiple, but independent sets of tasks. Communication between asynchronous tasks or processes is accomplished by related hardware-controlled queuing mechanisms (buffered-port objects) which allow messages to move between internal processes or input/output processes without the need for interrupts. A mechanism is provided which allows the processors to communicate with each other. This mechanism is used to reawaken an idle processor to alert the processor to the fact that a ready-to-run process at a dispatching port needs execution.

Claim 10 depends from independent Claim 1. Claim 1 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott or Colley, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, Colley does not describe or suggest a method for providing a value of a good to a requester as recited in amended Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Colley.

When the recitations of Claim 10 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 10 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Colley.

Claim 46 depends from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott or Colley, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, Colley does not describe or suggest a system for providing a value of a good to a requester as recited in amended Claim 34. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Colley.

When the recitations of Claim 43 are considered in combination with the recitations of Claim 34, Applicants submit that Claim 43 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Colley.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 10 and 46 be withdrawn.

The rejection of Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott and Colley and further in view of Cohen et al. (U.S. Patent No. 6,178,430) ("Cohen") is respectfully traversed.

Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott and Colley are all described above. Cohen describes an automated information technology standards management system for managing information standards that specify the procedures by which data is stored, manipulated, and retrieved within a computer system. The automated information technology standards management system manages information technology standards contained within a standards document stored on a permanent storage device. A download program converts the standards document into a displayable standards document that may be displayed on users' computers, and a dissemination process transmits the displayable standards document to users' computers for display. The automated information technology standards management system provides management services to users, including services for proposing changes to the information technology standards, for requesting changes to the information technology standards, scheduling on-line conferences for users to discuss proposed changes and requested

exceptions to the information technology standards, and for voting on proposed changes and requested exceptions to the information technology standards.

Claim 11 depends from independent Claim 1. Claim 1 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott, Colley, or Cohen, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, Cohen does not describe or suggest a method for providing a value of a good to a requester as recited in amended Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres Huang, Kelley Schneid, Eder, Smith, Arnold, Scott and Colley in view of Cohen.

When the recitations of Claim 11 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 11 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott and Colley in view of Cohen.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 11 be withdrawn.

The rejection of Claim 45 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Cohen is respectfully traversed.

Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott and Cohen are all described above.

Claim 45 depends from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott or Cohen, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, Cohen does not describe or suggest a system for providing a value of a good to a requester as recited in amended Claim 34. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott in view of Cohen.

When the recitations of Claim 45 are considered in combination with the recitations of Claim 34, Applicants submit that dependent Claim 45 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott in view of Cohen.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 45 be withdrawn.

The rejection of Claims 29 and 53 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ecklund (U.S. Patent No. 4,853,843) is respectfully traversed.

Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott are all described above. Ecklund describes an object-oriented, distributed data base system that separates into a plurality of virtual partitions following communication failure between sites accessing the data base. Each partition accesses a separate copy of an initial data base and independently updates groups of data objects included in the data base to add new versions of data objects to the data base. Each virtual partition maintains a copy of all previous versions of data objects and maintains a change list describing all group updates that it executes. Following restoration of communication between sites, each virtual partition merges the data bases maintained by separate partitions to form a consistent merged data base permitting versions of data objects and collections of data objects created by any one of the separate virtual partitions to be identified and accessed in the merged data base.

Claim 29 depends from independent Claim 1. Claim 1 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, Scott or Ecklund, considered alone or in combination, describe or suggest a method as recited in Claim 1. More specifically, Ecklund does not describe or suggest a method for providing a value of a good to a requester as recited in amended Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ecklund.

When the recitations of Claim 29 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 29 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ecklund.

Claim 53 depends from independent Claim 34. Claim 34 is recited hereinabove.

None of Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott or Ecklund, considered alone or in combination, describe or suggest a system as recited in Claim 34. More specifically, Ecklund does not describe or suggest a system for providing a value of a good to a requester as recited in amended Claim 34. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 34 is patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ecklund.

When the recitations of Claim 53 are considered in combination with the recitations of Claim 34, Applicants submit that Claim 53 is also patentable over Thompson, Squyres, Huang, Kelley Schneid, Eder, Smith, Arnold, and Scott in view of Ecklund.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 29 and 53 be withdrawn.

In addition to the argument set forth above, Applicants further traverse the rejection of Claims 5, 16, 26-28, 38, 50-52 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Whitworth; the rejection of Claims 17, 30-32 and 58-60 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Quinn; the rejection of Claims 18 and 61 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Hartnett; the rejection of Claims 19-20, 23-25, 54-56 and 62-63 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Ma; the rejection of Claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Gell; the rejection of Claims 8 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Burke; the rejection of Claims 10 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Colley; the

rejection of Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley, Schneid and Colley and further in view of Cohen; the rejection of Claim 45 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Cohen; and the rejection of Claims 29 and 53 under 35 U.S.C. § 103(a) as being unpatentable over Thompson, Squyres, Huang, Kelley and Schneid in view of Ecklund on the grounds that these Section 103 rejections are improper rejections.

Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Thompson, Squyres, Huang, Kelley and Schneid using the teachings of Whitworth, Quinn, Hartnett, Ma, Gell, Burke, Colley, Cohen or Ecklund. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of the cited references, alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine the cited references because there is no motivation to combine the references suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is

impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set for above, Applicants respectfully request that the Section 103 rejection of Claims 5, 16, 26-28, 38, 50-52 and 57; the rejection of Claims 17, 30-32 and 58-60; the rejection of Claims 18 and 61; the rejection of Claims 19-20, 23-25, 54-56 and 62-63; the rejection of Claim 37; the rejection of Claims 8 and 43; the rejection of Claims 10 and 46; the rejection of Claim 11; the rejection of Claim 45; and the rejection of Claims 29 and 53 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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